



May 21, 2012

Supreme Court Update

The Supreme Court decided three cases this morning.

- In the first case, *Holder v. Gutierrez*, the Court unanimously reversed the Ninth Circuit Court of Appeals. Under federal law, aliens who are facing deportation may be able to avoid leaving the country if they have lived continuously in the United States for at least seven years and have been a lawful permanent resident (“Green Card”) for at least five years. Today’s decision means that an alien must satisfy these requirements himself and cannot rely on the time in which he lived with a parent to avoid deportation.
- In the second case, *Taniguchi v. Kan Pacific Saipan*, the Court decided that federal law only permits the reimbursement for payment of interpreter costs from oral translation. The translation of documents from a foreign language into English cannot be reimbursed.
- Finally, in *Astrue v. Capato*, the Court unanimously decided that a child who was conceived after the death of his biological father cannot receive Social Security benefits as his father’s surviving child.

More decisions are expected to be announced this Thursday, when the Court meets for its weekly Conference.

Supreme Court Decisions Remaining This Term

With today’s decision, there are 20 cases yet to be decided this term. Major cases still to be decided (highlighted on the chart below) include:

- The Affordable Care Act;
- The federal law criminalizing lies about military service and honors;
- The Federal Communications Commission’s indecency standards;
- Arizona’s efforts at cooperative law enforcement;
- The First Amendment rights of union employees.

| Case Name | | Date of Argument | Question for the Court |
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| 1. | <i>First American Financial Corp. v. Edwards</i> | November 28, 2011 | Whether certain payments by banks and title companies during the closing of a home mortgage are allowed if price or quality of the services provided is not affected. |
| 2. | <i>Williams v. Illinois</i> | December 6, 2011 | Whether an expert witness can testify about the results of DNA testing conducted by another analyst who has not appeared as a witness at the trial. |
| 3. | <i>FCC v. Fox</i> | January 10, 2012 | Whether the Federal Communications Commission's indecency standards are unconstitutionally vague. |
| 4. | <i>Knox v. SEIU</i> | January 10, 2012 | Whether employees have the First Amendment right to decline payment of union dues used for political advocacy. |
| 5. | <i>Freeman v. Quicken Loans Inc.</i> | February 21, 2012 | Whether a bank or title company can charge fees for services it did not perform. |
| 6. | <i>United States v. Alvarez</i> | February 22, 2012 | Whether a federal law criminalizing lies about receiving military medals or honors violates the First Amendment. |
| 7. | <i>Blueford v. Arkansas</i> | February 22, 2012 | Whether the Double Jeopardy Clause prohibits prosecutors from re-trying a defendant on murder charges where a jury previously announced that it cannot reach a verdict on a manslaughter charge. |
| 8. | <i>Elgin v. Dep't of the Treasury</i> | February 27, 2012 | Whether a federal employee can challenge his firing as unconstitutional in federal district court. |
| 9. | <i>Armour v. Indianapolis</i> | February 29, 2012 | Whether the Constitution allows a city to refuse to refund taxes that some taxpayers paid up front, even though it forgave the remaining taxes of other taxpayers who paid on an installment plan. |
| 10. | <i>Southern Union Company v. United States</i> | March 19, 2012 | Clarifying whether the Fifth and Sixth Amendment principles established in the <i>Apprendi</i> case apply to the imposition of criminal fines. |
| 11. | <i>Miller v. Alabama/ Jackson v. Hobbs</i> | March 20, 2012 | Whether a sentence of life without parole for a 14-year-old convicted of murder constitutes cruel and unusual punishment. |
| 12. | <i>Reichle v. Howards</i> | March 20, 2012 | Whether probable cause to make an arrest bars a retaliatory arrest claim. |
| 13. | <i>Vasquez v. United States</i> | March 21, 2012 | Regarding how courts should weigh the effects of "harmless errors" that occur during trial. |

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| 14. | <p><i>U.S. Department of Health and Human Services v. Florida</i></p> <p><i>National Federation of Independent Business v. Sebelius</i></p> <p><i>Florida v. Department of Health and Human Services</i></p> | March 21, 2012 | (1) Whether Congress has the power under the Constitution to require virtually all Americans to obtain health insurance or pay a penalty; and (2) whether the Anti-Injunction Act, which prohibits taxpayers from filing a lawsuit to challenge a tax until the tax goes into effect and they are required to pay it, prohibits a challenge to the Act's provision requiring virtually all Americans to obtain health insurance or pay a penalty until after the provision goes into effect in 2014. |
| 15. | <i>Christopher v. SmithKline Beecham Corp.</i> | April 16, 2012 | Whether the Fair Labor Standards Act's outside sales exemption applies to pharmaceutical sales representatives. |
| 16. | <p><i>Dorsey v. United States</i></p> <p><i>Hill v. United States</i></p> | April 17, 2012 | Whether the Fair Sentencing Act of 2010 applies to all defendants sentenced after its enactment. |
| 17. | <i>Salazar v. Ramah Navajo Chapter</i> | April 18, 2012 | Regarding the reimbursement Native American tribes receive from the federal government for taking over certain federal programs. |
| 18. | <i>RadLAX Gateway Hotel, LLC v. Amalgamated Bank</i> | April 23, 2012 | Regarding questions under Chapter 11 of the Bankruptcy Act. |
| 19. | <p><i>Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak</i></p> <p><i>Salazar v. Patchak</i></p> | April 24, 2012 | Whether the United States has sovereign immunity in suits involving "trust or restricted Indian lands." |
| 20. | <i>Arizona v. United States</i> | April 25, 2012 | Whether federal immigration laws preclude Arizona's efforts at cooperative law enforcement. |